UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| JESSIE BUTLER, |) |
|----------------------------------|---------------------------|
| Plaintiff, |)) |
| vs. |) Case No. 4:07CV1217 RWS |
| MICHAEL J. ASTRUE, |)) |
| Commissioner of Social Security, | |
| Defendant. | <i>)</i>) |

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of the final decision of Michael J. Astrue, the Commissioner of Social Security, denying Jessie Butler's disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433, and supplemental security income benefits under Title XVI of the Act, 42 U.S.C. §§ 1381-1383b. Plaintiff has filed a brief in support of his complaint; the Commissioner has filed a brief in support of his answer.

This matter was referred to United States Magistrate Judge David D. Noce, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Noce's Report and Recommendation recommends that the decision of the Commissioner be reversed and the case be remanded for further proceedings.

I agree with Judge Noce's recommendation. Therefore, I adopt the Report and Recommendation of Judge Noce.

Accordingly,

IT IS HEREBY ORDERED that the decision of the Commissioner is

REVERSED and that this case is REMANDED for further proceedings as set

forth in Judge Noce's Report and Recommendation.

RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE

Dated this 16th day of October, 2007.